UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,698	02/09/2000	Brian Bulkowski	TVW/APP19US	2973

			EXAMINER
59906	7590	12/07/2006	SHINGLES, KRISTIE D

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ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

SUPPLEMENTAL

	Application No.	Applicant(s)
Office Action Summary	09/500,698	BULKOWSKI, BRIAN
	Examiner	**Art Unit**	
	Kristie Shingles	2141	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 September 2006</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,4,6-35,39,41-48 and 50</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1,3,4,6-35,39,41-48 and 50</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
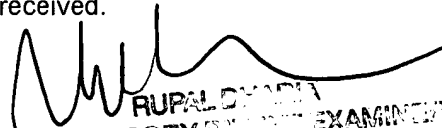8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

RUPAL D...... SUPERVISORY .... EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. <u>11/2006</u>.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

<u>Claims 1, 3-4, 6-35, 39, 41-48 and 50 are pending.</u>

RESPONSE TO AMENDMENT

No claims have been amended. Claims 2, 5, 36-38, 40, 49 and 51-55 are cancelled.

RESPONSE TO ARGUMENTS

Applicant's arguments, see Remarks pages 10-13, filed 9/14/2006, with respect to the rejection(s) of claims 1, 3-4, 6-35, 39, 41-48 and 50 under *Sridhar et al* have been fully considered and are persuasive. Therefore, finality of the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of *Hyakutake* (US 6,788,709).

CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   **Claims 1, 3, 4, 7-13, 15-17, 19-32, 39, 41, 43-48 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Hyakutake* (US 6,788,709).

    a.   **Per claims 1 and 39**, *Sridhar et al* teach a method and apparatus for receiving data via multiple channel broadcast media, comprising:

- receiving a request for a desired data object, said desired data object being associated with a first-level name (col.14 lines 6-16);

- obtaining a plurality of second-level names associated with said first-level name, each second-level name being associated with one or a plurality of low-level data to objects (col.14 lines 20-47); and

- obtaining location information associated with said second-level names via a first broadcast channel, said location information identifying at least two of multiple broadcast channels for carrying data associated with low-level data objects (col.8 line 56-col.9 line 2, col.13 lines 8-28 and 40-50);

- wherein said desired data object is a web page (col.14 lines 20-47, col.24 lines 38-46, col.28 lines 15-43, col.32 lines 38-53, col.36 lines 3-24).

However, *Sridhar et al* fail to explicitly teach said low-level data objects being in order by retrieval priority and a web page comprising at least a portion of said low-level data objects for retrieval and display in a order defined by said retrieval priority. However, *Hyakutake* teaches the retrieval of low-level objects according to their respective display timing order wherein the timing information of the objects determines the display order (col.1 line 57-col.2 line 34, col.10 lines 10-65, col.17 lines 26-39, col.20 lines 30-34, col.222 lines 41-56).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* with *Hyakutake* that allows for the ordering of low-level objects by retrieval priority and displaying the objects in an order defined by retrieval priority so that the low-level objects are prioritized based upon the timing information which ensures that the objects will be displayed in the desired order and at the desired time.

b.   **Claims 22, 31, 48 and 50** contain limitations that are substantially equivalent to claims 1 and 39 and are therefore rejected under the same basis.

c.   **Per claims 3 and 41,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claims 1 and 39, *Sridhar et al* further teach wherein data associated with respective low-level data objects is received via at least two channels of said multiple channel broadcast medium (col.13 lines 8-28, col.16 lines 25-67; *Hyakutake*: col.2 lines 30-34, col.11 lines 46-51, col.14 lines 57-67).

d.   **Per claims 4 and 43,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claims 1 and 39, *Sridhar et al* further teach wherein data associated with respective low-level data objects is broadcast according to a protocol indicated in said location information (col.31 lines 31-36, col.36 lines 25-29; *Hyakutake*: col.5 lines 37-62, col.12 lines 1-4).

e.   **Per claims 7 and 24,** *Sridhar et al* with *Hyakutake* teach the methods claims 1 and 22, *Sridhar et al* further teach wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (col.3 lines 5-13 and 59-64, col.10 lines 40-53, col.18 lines 28-38; *Hyakutake*: col.4 lines 27-31, col.7 lines 25-27, col.11 lines 9-14, 27-36 and 46-51, col.14 lines 18-22).

f.   **Per claim 8,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claim 1, *Sridhar et al* further teach wherein said broadcast medium is a portion of a computer network (col.3 lines 5-13 and 59-64, col.18 lines 28-38; *Hyakutake*: col.4 lines 2-31, col.8 lines 4-23).

g.   **Per claim 9,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claim 1, *Sridhar et al* further teach wherein said first-level name is a uniform resource locator (URL) (col.3 lines 29-40, col.4 lines 25-30, col.14 lines 7-16; *Hyakutake*: col.6 lines 27-28, col.7 lines 1-30, col.15 lines 46-58).

h.   **Claims 10 and 25** are substantially similar to claim 9 and are therefore rejected also under the same basis.

i.   **Per claim 11,** *Sridhar et al* with *Hyakutake* teach the method of claim 1, *Sridhar et al* further teach wherein said first-level name is a text string (col.3 lines 29-40, col.4 lines 25-30, col.14 lines 7-16, col.28 lines 9-30; *Hyakutake*: col.6 lines 27-32).

j.   **Per claim 12,** *Sridhar et al* with *Hyakutake* teach the method of claim 11, *Sridhar et al* further teach wherein said text string is associated with an icon (col.14 lines 20-22; *Hyakutake*: col.10 lines 3-18 and 44-67, col.11 lines 2-10, col.22 lines 41-45).

k.   **Per claim 13,** *Sridhar et al* with *Hyakutake* teach the method of claim 1, *Sridhar et al* further teach wherein said second-level name takes a minimal amount of storage space (col.14 lines 20-65).

l.   **Per claim 15,** *Sridhar et al* with *Hyakutake* teach the method of claim 1, *Sridhar et al* further teach wherein said second-level name is an index into a table (col.26 lines 1-9, col.27 lines 1-33, col.28 lines 1-14; *Hyakutake*: col.9 line 60-col.10 line 18).

m.   **Per claims 16 and 26,** *Sridhar et al* with *Hyakutake* teach the method of claims 1 and 22, *Sridhar et al* further teach wherein said location information is accessed through a memory containing a data structure (col.26 lines 1-9, col.27 lines 1-33, col.28 lines 1-14; *Hyakutake*: col.10 lines 7-18).

n.   **Per claims 17, 27 and 44,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claims 1, 22 and 39, *Sridhar et al* further teach wherein said location information is sufficient to locate said data in a data stream (col.26 lines 1-9, col.27 lines 1-33, col.28 lines 1-43; *Hyakutake*: col.15 lines 52-58).

o.   **Per claims 19, 28, 45,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claims 1, 22 and 39, *Sridhar et al* further teach including the further step of combining said plurality of low-level data objects (col.14 lines 17-47; *Hyakutake*: col.9 lines 36-56, col.22 lines 41-45).

p.   **Per claims 20, 29 and 46,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claims 19, 28 and 45, *Sridhar et al* further teach including the step of combining results in a portion of said desired data object (col.14 lines 17-47; *Hyakutake*: col.2 line 20-43).

q.   **Per claims 21, 30 and 47,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claims 20, 29 and 46, *Sridhar et al* further teach the further step of presenting said desired data object (col.9 lines 51-56).

r.   **Per claim 23,** *Sridhar et al* with *Hyakutake* teach the method and apparatus of claim 22, *Sridhar et al* further teach wherein said desired data object is a web page (col.3 lines 29-40, col.4 lines 25-30, col.14 lines 7-47; *Hyakutake*: col.10 lines 7-18, col.11 lines 18-26).

s.   **Per claim 32,** *Sridhar et al* with *Hyakutake* teach the method of claim 31, *Sridhar et al* further teach including the further step of broadcasting said each one of said plurality of data objects forming said data (col.13 lines 8-22; *Hyakutake*: col.2 line 20-43, col.11 lines 1-45, col.11 line 56-col.12 line 4, col.15 lines 52-58, col.16 lines 24-37).

2.   **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Hyakutake* (US 6,788,709) in further view of *Zigmond et. al* (US 6,785,902).

Per claim 14, *Sridhar et al* teach the method of claim 1, as applied above, including second-level names comprising text strings (col.14 lines 20-65, col.27 lines 19-33, col.28 line s15-43), yet *Sridhar et al* fail to explicitly teach that the second-level name is an integer. However *Zigmond et al* teach that the second-level name is an integer (col.7 lines 26-30). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* and *Hyakutake* with *Zigmond et al* that allows for second-level names to be numbers, as opposed to text or alphanumeric strings; which is a well-known technique used in the art as a preferential naming convention for data files and objects.

3.   **Claims 18, 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Hyakutake* (US 6,788,709) in further view of *Altschuler et al* (US 6,778,971).

a.   **Per claims 33 and 34**, *Sridhar et al* with *Hyakutake* teach the method of claims 31 and 32 as applied above. *Hyakutake* teaches a television screen and motion picture section (col.2 lines 30-34, col.9 lines 36-37), yet fails to explicitly teach the method wherein said each one of said plurality of data objects is broadcast as an MPEG section. However, *Altschuler et al* teach the inclusion MPEG encoded video as embedded objects of a webpage, with associated object IDs, that are structured and logged in an hierarchy for the webpage (col.14 lines 30-39). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* with *Altschuler et al* that provisions the inclusion of MPEG as

broadcasted objects on a webpage—web pages with encoded MPEG video files are well-known

in the art for broadcasting multimedia.

b.   **Claim 18** is substantially similar to claims 33 and 34 and is therefore rejected

under the same basis.

4.   **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US
6,324,582) in view of *Hyakutake* (US 6,788,709) in further view of *Ikeda* (US 6,212,681).

Per claim 6, *Sridhar et al* with *Hyakutake* teach the method and apparatus of claim 1 as

applied above along with location information for the data objects, yet fail to explicitly teach

wherein location information indicates for each low-level data object a location parameter, a size

parameter and a bandwidth parameter. However *Ikeda* teaches location, size and bandwidth

information for the broadcasted data of the channels (col.8 lines 41-67, col.9 lines 13-44, col.10

lines 57-65). It would have been obvious to one skilled in the art at the time the invention was

made to combine the teachings of *Sridhar et al* and *Hyakutake* with *Ikeda* in order to maintain

different types of meta-data for locating, identifying and characterizing the data objects—

maintaining attribute data of objects/content is a common technique used in the art.

5.   **Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US
6,324,582) in view of *Hyakutake* (US 6,788,709) in further view of *Boon* (US 6,351,565).

Per claim 35, *Sridhar et al* with *Hyakutake* teach the method of claim 31 as applied

above, yet fail to explicitly teach said data object is formatted for transmission as an UDP packet.

However, *Boon* teaches said data object is formatted for transmission as an UDP packet (col.17

lines 65-67). Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to combine the teachings of *Sridhar et al* and *Hyakutake* with *Boon* by

having said data object be formatted for transmission as an UDP packet because UDP is a part of

the TCP/IP data transmission packet protocol used within the internet and is commonly used in

the art to transmit packets of data due to it's transmission efficiency.

6.   **Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Hyakutake* (US 6,788,709) in further view of *Bisdikian et al* (US 6,047,317).

Per claim 42, *Sridhar et al* with *Hyakutake* teach the apparatus of claim 39 as applied

above, yet fail to explicitly teach wherein data associated with respective low-level data objects

is broadcast a number of times as indicated in said location information. However *Bisdikian et al*

teach data associated with respective low-level data objects is broadcast a number of times as

indicated in said location information (col.3 line 55-col.4 line 52). It would have been obvious to

one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al*

and *Hyakutake* with *Bisdikian et al* for the purpose of providing indicia with the meta-data of the

data objects that specifies the number of times to broadcast the objects. Such indicia are common

in the art and are realized via tags and flags that specify particular restrictions for and

information about the data objects.

CONCLUSION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Feiste (5,963,978), Hyakutake (6,891,859), Boehme et al (6,578,192), Powers et al (6,362,817).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
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